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RECEIVED

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
Room TW-B204
445 Twelfth Street, S.W.
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**Re: Amendment of Part 2 of the Commission's Rules to Allocate
Spectrum Below 3 GHz for Mobile and Fixed Services
ET Docket No. 00-258
Ex Parte Communication**

Dear Ms. Dortch:

Pursuant to Section 1.1206(b) of the Commission's rules, I am writing on behalf of NEC America, Inc. ("NEC") to notify you of an *ex parte* communication with Mr. Bruce Franca, Deputy Chief of the Office of Engineering and Technology, that occurred on December 23, 2002 in connection with the above-referenced proceeding. The communication was made to discuss NEC's comments and reply comments previously filed in this docket. NEC is a manufacturer of private branch exchange ("PBX") and key telephone systems that incorporate wireless handset capabilities using spectrum allocated for unlicensed PCS ("UPCS"). We discussed various proposals for use of the 1910-1920 MHz band. In our discussion, I reiterated NEC's position that the Commission's rules should be amended to allow the operation of isochronous UPCS in the band.

An original and one copy of this letter are submitted for inclusion in the proceeding record.

Respectfully submitted,

Ari Q. Fitzgerald
Counsel for NEC America, Inc

cc: Mr. Bruce Franca

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